

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
DECKERS OUTDOOR CORPORATION,	:	
	:	
Plaintiff,	:	
	:	20-CV-10602 (VSB) (BCM)
- against -	:	
	:	<u>OPINION & ORDER</u>
	:	
IT’S FRIDAY, INC.,	:	
	:	
Defendants.	:	
-----	X	

Appearances:

Brent Herbert Blakely
Blakely Law Group
Manhattan Beach, CA 90266
Counsel for Plaintiff

VERNON S. BRODERICK, United States District Judge:

On December 15, 2020, Plaintiff Deckers Outdoor Corporation filed this trademark infringement action against It’s Friday, Inc. and John Does 1–10 for trade dress infringement and trademark infringement of an unregistered mark under the Lanham Act, 15 U.S.C. § 1125(a), and New York law, seeking damages and injunctive relief. (Doc. 1.)

After a certificate of default issued, I granted Plaintiff default judgment as to liability against Defendant It’s Friday and referred this case to Magistrate Judge Barbara C. Moses for an inquest on damages. (Docs. 13, 21, 22.)

On October 31, 2024, Magistrate Judge Moses issued a thorough 24-page Report and Recommendation recommending that “a permanent injunction be issued, barring defendant from further infringement, and that plaintiff be awarded \$402 in costs” but that “no damages should be awarded.” (Doc. 25 (“R&R”) at 1.) Plaintiff filed a proof of service of the R&R to Tammy

Alexander, an agent of the Secretary of State of the State of New York on November 13, 2024.
(Doc. 26.) Neither party filed objections or sought an extension of time to file objections.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(c). “To accept the report and recommendation of a magistrate [judge], to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days from the service of this report and recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,” and that “[f]ailure to file timely objections will result in a waiver of such objections and will preclude appellate review,” (R&R 24), none of the parties filed an objection or requested additional time to do so. I have reviewed Magistrate Judge Moses’s detailed and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk of Court is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: March 21, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style.

Vernon S. Broderick
United States District Judge